

Memorandum



Date: September 21, 2004

To: Honorable Chairperson Barbara Carey-Shuler, Ed. D.
and Members, Board of County Commissioners

Agenda Item No. 7(O)(1)(D)

From: George M. Burgess
County Manager

A handwritten signature in dark ink, appearing to read "Burgess", written over the printed name of George M. Burgess.

Subject: Recommendation to Waive Competitive Bidding and Approve a One-year Extension
to Contract No. 203 for an Employee Group Legal Services Program

Recommendation

Pursuant to discussion and deliberation at the July 20th Governmental Operations and Environment (GOE) Committee, it is recommended that the Board of County Commissioners approve the accompanying resolution authorizing a waiver of competitive bids and the execution of a Supplemental Agreement under Contract No. 203 presented in substantially completed form with ARAG Insurance Company. The Supplemental Agreement establishes a one-year extension of the contract for Employee Group Legal Services to allow continuity of services while the County advertises and awards a new RFP for these services.

Background

Miami-Dade County currently offers group legal services to approximately 29,000 employees eligible for benefits through a plan with ARAG Insurance Company. The existing contract expires December 31, 2004.

At the July 20, 2004 meeting of the GOE Committee, the Manager's recommendation under GOE Agenda Item 2W was the competitive award of RFP No. 422 for Employee Group Legal Services to ARAG Insurance Company, the highest ranked proposer, together with waiver of the Code provisions related to bid protest procedures and waiver of the period for BCC motion for reconsideration. The award would have been for an initial 3-year term, commencing January 1, 2005, with two one-year options to renew. A competing vendor for RFP No. 422 addressed the GOE Committee and asserted that two of the meetings of the Selection Committee under RFP No. 422 had not been properly noted on the Metro Calendar. Staff recognized this inadvertent omission and immediately consulted the County Attorney's Office to address the oversight. Upon legal advice, staff held a "curative" meeting of the Selection Committee. This was reviewed by the GOE Committee at the July 20th meeting and, consequently, the Committee denied the Manager's award recommendation. Instead, the Committee requested that all proposals under RFP No. 422 be rejected, that the current contract with ARAG Insurance Company be extended for one-year, and that a new RFP be advertised for Employee Group Legal Services to commence the following year.

This recommendation to waive competitive bidding and approve a one-year extension of the existing contract with ARAG Insurance Company conforms with the requests of the GOE Committee. The recommendation to reject all proposals and to authorize the re-advertisement of an RFP for group legal services for award next year, also requested by the Committee, is being presented to the Board as a separate item.

A summary of the contract extension (as a Supplemental Agreement) follows:

Contract Title:	Employee Group Legal Services Program
Contract No:	203
Description:	This bid waiver has been prepared to extend the current contract for an employee group legal services program for a one-year period. The program offers Miami-Dade County employees and retirees basic prepaid legal services.
Competitive Process Utilized:	Contract No. 203 was awarded in September 1999 using a competitive RFP selection process
Current Term Expires:	December 31, 2004
Supplemental Agreement Term:	One year, commencing January 1, 2005
Contract Amount:	Approximately \$2,299,073 annually, depending upon number of enrollees
Funding Source:	Employee funded. There is no cost to the County.
Using/Managing Agency:	General Services Administration – Risk Management Division
Commencement Date:	Insurance coverage begins January 1, 2005; however, the Contractor needs to begin work in mid-September 2004 for the employee benefits open enrollment period. Therefore, the work under the Supplemental Agreement shall commence ten days after adoption by the Board of County Commissioners (BCC) and expiration of the period for BCC motion for reconsideration, unless vetoed by the Mayor.



Corinne L. Brody
Special Assistant, Strategic Management Initiatives



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: September 21, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 7(O)(1)(D)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(O)(1)(D)
9-21-04

RESOLUTION NO. _____

RESOLUTION AUTHORIZING A WAIVER OF COMPETITIVE BIDS AND THE EXECUTION OF SUPPLEMENTAL AGREEMENT NO. 4 TO CONTRACT NO. 203 WITH ARAG INSURANCE COMPANY, TO OBTAIN EMPLOYEE GROUP LEGAL SERVICES, AUTHORIZING THE EXECUTION OF THE SUPPLEMENTAL AGREEMENT FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ANY CANCELLATION AND RENEWAL PROVISIONS, AND TO EXERCISE ALL OTHER RIGHTS CONTAINED THEREIN

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves a waiver of competitive bids and the extension of Contract No. 203 by way of Supplemental Agreement No. 4 for one year with ARAG INSURANCE COMPANY, in substantially the form attached hereto and made a part hereof and authorizes the County Manager to execute same for and on behalf of Miami-Dade County and to exercise any cancellation and renewal provisions and any other rights contained therein.

The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson
Katy Sorenson, Vice-Chairperson

Bruno A. Barreiro
Betty T. Ferguson
Joe A. Martinez
Dennis C. Moss
Natacha Seijas
Sen. Javier D. Souto

Jose "Pepe" Diaz
Sally A. Heyman
Jimmy L. Morales
Dorrin D. Rolle
Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this
21st day of September, 2004. This Resolution and contract, if not vetoed, shall become
effective in accordance with Resolution No. R-377-04.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as
to form and legal sufficiency.

By: _____
Deputy Clerk

Hugo Benitez

MIAMI-DADE COUNTY, FLORIDA**SUPPLEMENTAL AGREEMENT NO. 4**

Contract Number: **203 – Resolution R-1021-99,
Adopted on September 21, 1999**

Contract Title: **"Employee Group Legal Services Program"**

Contractor: **ARAG INSURANCE COMPANY
400 Locust Street, Suite 480
Des Moines, I.A. 50309**

In accordance with the above-referenced Contract, this supplement, when properly executed, constitutes authorization to extend the Contract for a one-year period, effective January 1, 2005.

All terms, covenants and conditions of the original Contract and subsequent Supplemental Agreements No. 1, 2 and 3 shall remain in full force and effect, except to the extent herein amended.

IN WITNESS WHEREOF, the parties have executed this Supplemental Agreement No. 4 to County Contract No. 203 effective upon execution.

Contractor

Miami-Dade County

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

Attest: _____

Attest: _____

Secretary

Clerk of the Board

Corporate Seal

Approved as to form
and legal sufficiency

Assistant County Attorney